



12-18-02

RCE/2700

#5  
12/29/02  
A.W.IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Paul S. Germscheid et al.

Serial No.: 09/448,164

Examiner: L. Wassum

Filing Date: November 24, 1999

Group Art Unit: 2177

For: METHOD AND APPARATUS FOR A WEB APPLICATION SERVER TO CREATE AN  
EMPTY DATA SET IN A REPOSITORY WITH A SPECIFIED DATA SET ID

Docket No.: 33012/277/101

REQUEST FOR CONTINUED EXAMINATION TRANSMITTALBox RCE  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

RECEIVED

DEC 19 2002

Technology Center 2100

CERTIFICATE UNDER 37 C.F.R. 1.10: The undersigned hereby certifies that this paper is being deposited in the United States Postal Service, "Express Mail Post Office to Addressee" having an Express Mail mailing label number of: EL 101 812 913 US, in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231, on this 16<sup>th</sup> day of December, 2002.

By Carolyn I. Erickson

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

1. **Submission required under 37 C.F.R. § 1.114**

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_.
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_.
- iii. ☐ Other
- b. ☒ Enclosed
- i. ☒ Preliminary Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other

2. **Miscellaneous**

- a.
- ☐
- Suspension of action on the above-identified

12/19/2002 CV0111 00000121 09448164

740.00 OP  
84.00 OP  
400.00 OP01 FC:1801  
02 FC:1201  
03 FC:1252

application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months.

b. ☐ Other

3. **Fees**

a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 14-0620.

i. ☐ RCE fee required under 37 C.F.R. § 1.17(e)

ii. ☐ Extension of time fee

iii. ☐ Other: Additional Independent Claim

b. ☒ Check in the amount of \$ 1,224.00 enclosed

By: \_\_\_\_\_

John L. Rooney

Reg. No. 28,898

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Paul S. Germscheid et al.

Serial No.: 09/448,164

Examiner: L. Wassum

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For: METHOD AND APPARATUS FOR A WEB APPLICATION SERVER TO CREATE  
AN EMPTY DATA SET IN A REPOSITORY WITH A SPECIFIED DATA SET ID

Docket No.: 33012/277/101

**REQUEST FOR CONTINUED EXAMINATION (RCE)  
(37 C.F.R. 1.114)**

Box RCE  
Honorable Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

**RECEIVED**  
**DEC 19 2002**  
**Technology Center 2100**

Dear Sir:

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. § 1.114, for the above identified application.

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10**

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

- ☒ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. as "Express Mail Post Office to Addressee" Mailing Label No. EL 101 812 913 US

12-16-02

  
Carolyn I. Erickson

**TIME REQUEST IS BEING MADE**

2. This request is being submitted (check appropriate item(s) below):

- i. ☒ Prior to abandonment of the application

- ii. ☐ Payment of the issue fee  
    ☐ Prior to payment of issue fee  
    ☐ Issue fee has been paid but a petition under § 1.313 has been granted
- iii. ☐ Prior to a decision on appeal to the Board of Patent Appeals & Interferences  
    ☐ A notice is being separately sent to the Board of Patent Appeals & Interferences that this request for Continued Examination is being filed.
- iv. ☐ Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145 or  
    ☐ Commencement of a civil action under 35 U.S.C. 146  
    ☐ Prior to the filing of such appeal or commencement of civil action  
    ☐ Such appeal or commencement of civil action has been terminated

#### ENCLOSURES

3. Enclosed herewith is/are:

- ☐ An information disclosure (37 C.F.R. § 1.98)  
    ☐ Form PTO-1449 (PTO/SB/08A and 08B)
- ☒ A Preliminary Amendment
- ☐ New arguments
- ☐ New evidence in support of patentability
- ☐ Other:

#### FEE FOR REQUEST (37 C.F.R. § 1.17(e))

4. This application is on behalf of:

- ☐ Small entity (and status is still as small entity)  
    \$370.00
- ☒ Other than a small entity  
    \$740.00

5. The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below:

CLAIMS AS FILED						
	(1)	(2)	SMALL ENTITY		OTHER	
FOR:	# FILED	# EXTRA	Rate	Fee	Rate	Fee
BASIC FEE				\$370		\$740
TOTAL CLAIMS	20-20 =	0	x9=	\$	x18=	\$ 0
INDEPENDENT CLAIMS	4 -3 =	1	x42=	\$	x84=	\$ 84
( ) MULTIPLE DEPENDENT CLAIM PRESENTED			+140=	\$	+280=	\$ 0
TOTAL			\$		\$824.00	

(complete (c) or (d), as applicable)

(c) ☐ No additional fee is required.

OR

(d) ☒ Total additional fee required is \$ 84.00.

#### EXTENSION OF TIME

6. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. § 1.136(a) apply.

(a) ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked below:

Extension for (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$110.00	\$55.00
<input checked="" type="checkbox"/> two months	\$400.00	\$200.00
<input type="checkbox"/> three months	\$920.00	\$460.00
<input type="checkbox"/> four months	\$1,440.00	\$720.00

Fee: \$ 400.00

If an additional extension of time is required, please consider this petition therefor.

(check and complete the next item, if applicable)

☐ An extension for \_\_\_\_\_ months has already been secured, and the fee paid therefor of \$\_\_\_\_\_ is deducted from

the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 400.00

OR

- (b) ☐ Applicant(s) believe(s) that no extension of time is required. However, this is a conditional petition and authorization to pay the necessary fees to provide for the possibility that Applicant(s) has/have inadvertently overlooked the need for a petition and fee for extension of time.

**TOTAL FEE(S) DUE**

7. The total fee(s) due is/are:

Continued Prosecution Fee (§ 1.17(e))	\$ <u>740.00</u>
Fee(s) for additional claims (if any) (§ 1.16(b) - (d))	\$ <u>84.00</u>
Extension of time fee (if any) (§ 1.17(a) (1) - (4))	\$ <u>400.00</u>

Total Fee(s) Due \$ 1,224.00

**PAYMENT OF FEE(S) DUE**

8. Please pay the fee(s) for this continued examination application as follows:

☒ Check is attached for the sum of \$ 1,224.00

☐ Charge Account 14-0620 the sum of \$ \_\_\_\_\_

Please charge any deficiencies or credit any over payment to Deposit Account 14-0620.

**INVENTORSHIP**

9. This application as amended names as inventors:

- ☒ the same inventors as previously designated for the claims.
- ☐ fewer than the inventors previously designated and a statement accompanies this request for the deletion of the name or names of the person or persons who are not

- inventors of the invention now being claimed.
- ☐ a person not named previously as an inventor and a petition under 37 C.F.R. § 1.48 is/has separately:
- ☐ being filed
  - ☐ been filed

**DEFERRAL OF EXAMINATION**

10. ☐ A request for deferral of examination accompanies this request for continued examination.

Respectfully submitted,

Paul S. Germscheid et al.

By their attorney

Date December 16, 2002 John L. Rooney  
John L. Rooney  
Reg. No. 28,898  
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